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C O N F I D E N T I A L SECTION 01 OF 02 CAIRO 000416

SIPDIS

DEPARTMENT FOR NEA/ELA, AF/SPG

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TAGS: [PREL](#) [KPKO](#) [SU](#) [EG](#)

SUBJECT: ARAB LEAGUE CONCERNED ARREST WARRANT THREATENS
SUDANESE STABILITY

REF: A. 08 CAIRO 1603

[1](#)B. CAIRO 208

[1](#)C. CAIRO 339

Classified By: Counselor for Economic and Political Affairs
Catherine Hill-Herndon for reasons 1.4 (b) and (d).

[1](#)1. Key Points

-- (C) The Arab League (AL) believes that the ICC arrest warrant for Sudanese President Bashir threatens the peace and stability of Sudan, but the AL advisor on African Affairs to SYG Moussa told us that the Doha peace talks were still possible because the genocide charge was dismissed.

-- (C) The AL held an emergency ministerial meeting on March 4, which resulted in the issuance of a resolution calling on the UNSC to assume responsibility for maintaining peace and stability in Sudan, and asking all Sudanese parties not to seize the opportunity to create obstacles to peace.

-- (C) The AL believes the best way forward is to deal with the charges against Bashir in continued Doha peace negotiations.

-- (C) After discussions with many of the permanent UNSC members, the AL will push the Government of Sudan (GOS) to make progress on the ground in line with its Solution Package for Sudan (reftel A). After such progress, the AL and the African Union (AU) will send a delegation to New York to advocate for a UNSC deferment of the arrest warrant.

[1](#)2. (C) Comment: The AL's realization that progress on the ground must precede any attempt to issue an Article 16 deferment could be beneficial if the League seriously pushes Khartoum to address the legal and humanitarian issues. SYG Moussa's visit to Khartoum on March 7-8 reflects the AL's concern with the arrest warrant and the effect that it could have on the AL-sponsored Doha peace talks. The AL has invested considerable effort in the talks, and appears willing to take steps to preserve the progress made in Doha.

----- Arab League Sees Hope, Despite Arrest Warrant -----

[1](#)3. (C) Zeid al Sabban, African affairs advisor to the Arab League SYG told us on March 5 that the issuance of an arrest warrant for Sudanese President Bashir was not a surprise, but the AL is "concerned" that the warrant could negatively effect peace and stability in Sudan. However, he said that there is still hope for the Doha peace talks because the charge of genocide was dismissed. Al Sabban said that the AL believes the best way forward is to deal with the charges against Bashir in the context of continued Doha peace

negotiations. Al Sabban met on March 5 with all permanent members of the UNSC, except Russia. From these meetings the AL concluded that there needs to be progress on the ground in Sudan before it can push for an Article 16 deferment of the charges against Bashir. He said that the AL conveyed to the GOS that it must now appoint an "independent prosecutor" to address the ICC charges, and bring justice to the Sudanese people as per the Arab Solution Package on Sudan (reftel A). Al Sabban asserted that this would show the international community that the GOS has the "political will" to deal with the situation.

The Arrest Warrant is not a Solution

¶4. (C) Al Sabban opined that the arrest warrant is not a tool to push a peace deal. He said that ICC charges will not bring justice because peace must exist before justice can be enforced. Al Sabban stated that the CPA and DPA preceded the ICC investigation. He once again compared the situation of Bashir to the ICC's issuance of an arrest warrant against Lord's Resistance Army Leader Joseph Kony (reftel B). Al Sabban said that after the ICC's arrest warrant against Kony, peace negotiations stopped because there was nothing to offer Kony. Al Sabban asked rhetorically, "why would the GOS go to peace talks after the ICC, if there is no carrot?" AL Chief of Staff Hisham Youssef told us on March 8 that the League and the AU will send a delegation to New York, probably in mid-March, to advocate for a UNSC deferment of the arrest warrant.

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The Emergency Arab League Ministerial

¶5. (C) Al Sabban told us that the Emergency Arab League Ministerial on March 4 did not address the legal aspects of the arrest warrant because it was attended by foreign ministers, and not justice ministers. He stated that the GOS voiced its opposition to the use of Article 16 during the ministerial because "it does not want to beg." Al Sabban said that the AL, despite insistence from the GOS, will not condemn the arrest warrant, but instead it will express its concern that the warrant could have a negative effect on the stability and unity of Sudan, and the future of the peace process that began in Doha in February. The League issued a Resolution following the ministerial expressing its concern at the effect the arrest warrant could have on the peace and stability in Sudan. It called on the UNSC to assume the responsibility to maintain peace and stability in Sudan. The AL also asked all Sudanese parties not to seize the opportunity to create obstacles to peace.

¶6. (C) Al Sabban stated that the AL wants to avoid the "cowardice" of the way claims against Saddam Hussein were handled. Therefore, the League is pushing the GOS to take internal action to bring justice to Sudan and Darfur. Al Sabban told us that AL discussions with the GOS at the ministerial centered on the need to bring those responsible for crimes in Darfur to justice. However, he said the GOS is "very sensitive" about what it views as "foreign intervention."

Progress on the Peace Front in Doha

¶7. (C) Al Sabban told us that the "Goodwill Agreement" between the GOS and the Justice and Equality Movement was a good first step. He stated that "mutual hatred" had made the agreement difficult to achieve. Al Sabban asked that the U.S. continue to encourage dialogue between the rebel groups and the Sudanese Government. The AL and Qatar are now trying

to bring SLA Unity to the table and prevent Minni Minawi from "escaping from the Darfur Peace Agreement." Al Sabban met with Minawi during Minawi's visit to Cairo (reftel C), and is angry that Minawi wants to be brought into the Doha talks. He opined that Minawi does not know what to do and is desperate to re-engage in peace negotiations. Al Sabban told Minawi that he was already part of the Government of National Unity, and if he had issues with his position he should speak with President Bashir.

SCOBAY